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January 14, 2002

A-1 Pioneer Enterprises, Inc.
Mr. Douglas E. Bagley
2001 Warm Springs Road
Salt Lake City, UT 84116-2349

SUBJECT: Find - in re A-1 Pioneer Enterprises, Inc.

Dear Mr. Bagley:

Enclosed are the Findings with respect to the hearing held November 27, 2001. We appreciate your time and effort in working with us in this matter. I remind you that should you desire to pursue your appeal further, you have 30 days to file a court action.

Sincerely,

David K. Miles, P.E.
Operations Engineer

cc: Mark Burns
Shawn Debenham
Jim Beadles
Lyle McMillan
Fran Rieck

FINDINGS AND FINAL ORDER
A-1 PIONEER ENTERPRISES
HEARING OF NOVEMBER 27, 2001

Subsequent to the hearing of November 27, 2001, I have reviewed your application for an outdoor advertising permit together with the Utah Department of Transportation (UDOT) Region 2 denial of that request. I have considered the information provided by both parties at the hearing and additional information regarding the layout and relevant measurements of the area. Based on that information, along with the Utah Code as it pertains to outdoor advertising and the Federal-State Agreement for outdoor advertising, I uphold the denial of your permit application.

FINDINGS

1. Assistant Attorney General Ralph Finlayson, representing UDOT Region Two, gave you conditional approval for a permit in a letter issued on May 2, 1998. You signed this letter, thus agreeing to remove the sign if, after the reconstruction of I-15 was completed, the sign was found to be placed in an illegal location. Because of the design/build nature of the I-15 project, it was then unclear what the final configuration of the property would be. It is equally clear from the letter that an inappropriately-placed sign would have to be removed. The letter was in no way a promise or guarantee that the sign would be allowed to remain or that a design configuration would be chosen that would enable placement of a billboard.

The sign was not constructed in 1998, but on September 26, 2001, you reapplied for the permit for the same location (however, the surrounding configuration of the freeway was far different than it had been in 1998). On October 15, 2001, Region Two denied this application for a permit.

2. The proposed sign location would be immediately adjacent to the Northbound collector-distributor road of Interstate 15. The collector-distributor road is not a "feeder system" as you asserted at the hearing, which, if correct, would exempt the route from the definition of interchange under Utah Code Ann. § 72-7-502(9). A feeder system consists of the set of highways, roads, and streets that carry traffic to and from a major highway such as an Interstate or freeway. The collector-distributor road adjacent to your proposed sign location is a freeway with full access control and is an integral part of I-15. It is not a feeder road or street. It is a major highway and is part of the National Highway System. The purpose of the I-15 Collector-Distributor Road is to allow traffic to access I-15 smoothly with less interference to mainline traffic. There is no access allowed except at I-15 interchanges. Collector-distributor roads are frequently used on the Interstate System, where interchanges are closely spaced and heavy traffic volumes access the Interstate mainline.¹

Federal and State requirements apply equally to the I-15 Collector-Distributor Road

since it is an integral part of I-15. Your request for a sign must be treated based on its location with relation to both I-15 mainline and the collector-distributor road.

3. The Utah Code clearly restricts outdoor advertising signs in the area of interchanges on the Interstate System: ". . . . signs may not be located on an interstate highway or limited access highway on the primary system within 500 feet of an interchange, or intersection at grade, or rest area measured along the interstate highway or freeway from the sign to the nearest point of beginning or ending of pavement widening at the exit from or entrance to the main-traveled way". (Utah Code Ann. § 72-7505(3)(c)(i)(A).)

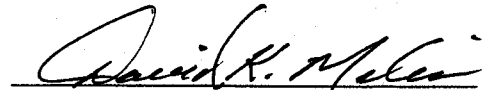
The primary reason for restricting advertising at these locations is motorist safety. Motorists must make numerous decisions in the area of an interchange. Restricting advertising signs avoids distracting the motorist's attention in these critical areas from his main task of driving.

4. The collector-distributor road in this area could possibly be treated as one, long continuous interchange. This would preclude advertising signs from the initial off-ramp to the road to the final on-ramp to the mainline. I believe, however, where ramps are widely spaced, it is in keeping with the law to treat each ramp on both the mainline and the collector-distributor road as part of separate interchanges. Where ramps are widely spaced, this allows for the possibility of some advertising signs. This means that the location must satisfy all requirements of the law with respect to both the mainline and the collector-distributor road.
5. Since in this area there is a series of off-ramps and on-ramps on both the mainline of I-15 and on the collector-distributor road, it requires careful analysis to determine where each interchange begins and ends. Following the law, an interchange begins at the point of pavement widening for an off-ramp and ends at the end of pavement widening for an on-ramp. Therefore, I requested that distances from these points to your proposed sign location be carefully measured so that a clear determination could be made. The attached drawing (Attachment 1) indicates the locations from which signs are restricted.

There is a short section adjacent to the collector-distributor road where an outdoor advertising sign could be allowed if only the collector-distributor road were considered. However, the law requires that the sign be at least 500 feet beyond interchanges on the I-15 mainline also. At the very minimum, this means that the proposed billboard location cannot be *within* an interchange itself. The only applicable exception to the restriction forbidding billboards in this case is the term "feeder systems." As discussed above, though, this is not a feeder system, but a collector-distributor road, on which billboards are not permitted to be located. Consequently, since your proposed billboard is within an interchange, and is not on a feeder system or an otherwise allowed area under Subsection 72-9-502(9), it cannot receive a permit (please see Attachment for diagram of area showing that proposed location is actually within the interchange on I-15). The prohibition of billboard

advertising within this space fits within the letter of the law as well as its evident and clear intent to provide for motorist safety by allowing for fewer distractions at key decision points on high-speed, high-volume prohibited access freeways.²

DATED THIS 14th day of January, 2002



David K. Miles, P.E.
Hearing Examiner

cc: Mark Burns
Shawn Debenham
James H. Beadles
Lyle McMillan
Frank Rieck

¹A policy on geometric Design of Highways and Street, 824 (4th ed. American Association of State Highway and Transportation Officials, 2001)

² Within 30 days of the issuance of this order, judicial review may be obtained by filing a complaint in state district court pursuant to Utah Code Ann. ' 63-46b-15.